IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 28635 of 1995

Between:

1 Thalluru Ranganadham,

S/o Appaiah Chetty,

aged 70 years, R/o 16 I/262,

A.T. Agraharam,

Nellore.
2 Solleti Velu Gondaiah,

S/o Solleti Narayana,

aged 37 years,
R/o Pappula Street,

Stone House Pet,

Nellore.

..... PETITIONERS

AND

1 Union of India,

represented by its Secretary
Department of Law,

Legislative Affairs,
New Delhi
2 Andhra Bank,

Nellore Branch,

Nellore, rep. by its Presiding Officer

(A Government of India Undertaking)

incorporated under the Banking

Companies (Acquisition and

Transfer of undertakings)

Act, 1989, having its Head Office

at Saifabad, Hyderabad, A.P.

and one of the Branch at Nellore).

3 Debts Recovery Tribunal,

Government of India,

Karnataka & Andhra

Pradesh, Krishi Bhavan,

Hudson Circle, Nrupathunga Road,

Bangalore-560 002, rep. by its Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially one in the nature of Writ of Mandamus declaring the Central Act No.51/1993 i.e. Recovery of Debts due to Banks and financial institutions Act, 1993 as unconstitutional and strike down the same as ultravirus the Constitution as it is violative of Fundamental Rights of petitioners guaranteed under Arts. 14, 16 & 19 of the Constitution of India and direct respondents No.3 to dismiss D.R.A.No.110 of 1995 on the file of the 3rd respondent herein.

Counsel for the Petitioner:MR.D.SUDHAKAR RAO

Counsel for the Respondent No.1: Standing Counsel for Central

Government

Counsel for the Respondent No.2 : MR.D.GOPALA KRISHNA

Counsel for the Respondent No.3 : None appeared.

The Court made the following :

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O R D E R:

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In this Writ Petition the validity of Central Act No.51 of 1993 i.e., Recovery of Debts due to Banks and Financial Institutions Act, 1993, was challenged. In view of the judgment of the Supreme Court reported in ***MARDIA CHEMICALS LIMITED*** v ***UNION OF INDIA***, the Writ Petition is liable to be dismissed.

2. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY, J

Date : 09-09-2004

Prv/ccm

To

1 The Secretary, Union of India,
Department of Law, Legislative Affairs,
New Delhi.

2 The Presiding Officer, Andhra Bank,

Nellore Branch, Nellore.

3 The Presiding Officer, Debts Recovery Tribunal,

Government of India, Karnataka & A.P.,

Krishi Bhavan, Hudson Circle,

Nrupathunga Road, Bangalore-560 002.

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